

April 10, 1978

LB 712

CLERK: Read F. Lewis motion. Roll call vote. 25 ayes, 14 nays, 4 present and not voting, 6 excused and not voting. Vote appears on pages 1760-1761 of the Legislative Journal.

PRESIDENT: Motion carries. Senator John Savage moves that the Call be raised. Record your vote. Record.

CLERK: 27 ayes, 1 nay to raise the Call Mr. President.

PRESIDENT: Call is raised. We have in the north balcony 76 Millard High School students, they are students of government and that is in Senator Simon's district. Senator Simon is the man in the white suit and the red hair. Thank you all for being here. We go to priority bills. We start with LB 712.

CLERK: Read LB 712.

PRESIDENT: Senator Murphy.

SENATOR MURPHY: Ladies and gentlemen 712 is a bill relating to the Court of Industrial Relations and the need to insert a statutory change in order to bring the statute into compliance with what the Supreme Court has now established as case law. They did so in the Lincoln Fire Fighters decision. Basically they have said, and they have enumerated several specific factors and their opinion repeatedly says that in any decision should incorporate all economic dissimilarities in making any comparisons. Now, the Supreme Court has said in their decision we hold that the court has erred in not taking into account the considerations affore mentioned in the decision that they handed down. In going to the Clerk of the Supreme Court I asked him if this then became a case law or if it was simply a decision. He said that when the court said "we hold" that becomes case law and that will continue to be the situation when you appear before the Supreme Court in the future. Now, we have got a little handicap in the statute. If you will look at the second case law cited, the common law cited in the statute it said in the case dealing with the International Brotherhood of Electrical Workers that the court should base its decision upon the factors set forth in 818. Now, using that measure the court arrived at their erroneous decision in the case of the Lincoln firemen and the Supreme Court send it back after having brought about the need for appeal. The court said that these are the factors that you must incorporate and that you shall take into account all of those factors. Now, I know that there has been intense pressure brought about by the political action committee of our educators. I would have to ask why these people find that a law that is equally useable, a law that recites what the Supreme Court has held, why they would find objection to it. Certainly there is nothing in that speaks to the benefit of the employee or the employer. But, it simply recites what the Supreme Court has held that all economic factors must be taken into account. There is a great deal of letter writing that has been precipitated by my friend the writer for the NEA news, Mr. Paul Bellis alias Karl Marx, and I enjoy his writings and we enjoy the exchange of his name that I have bestowed upon him in fact the issue that spoke to this issue and which mandated that all teachers write without any knowledge whatsoever that you do not consider this bill, but I noted with some interest that there was a small ad on the same page saying

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